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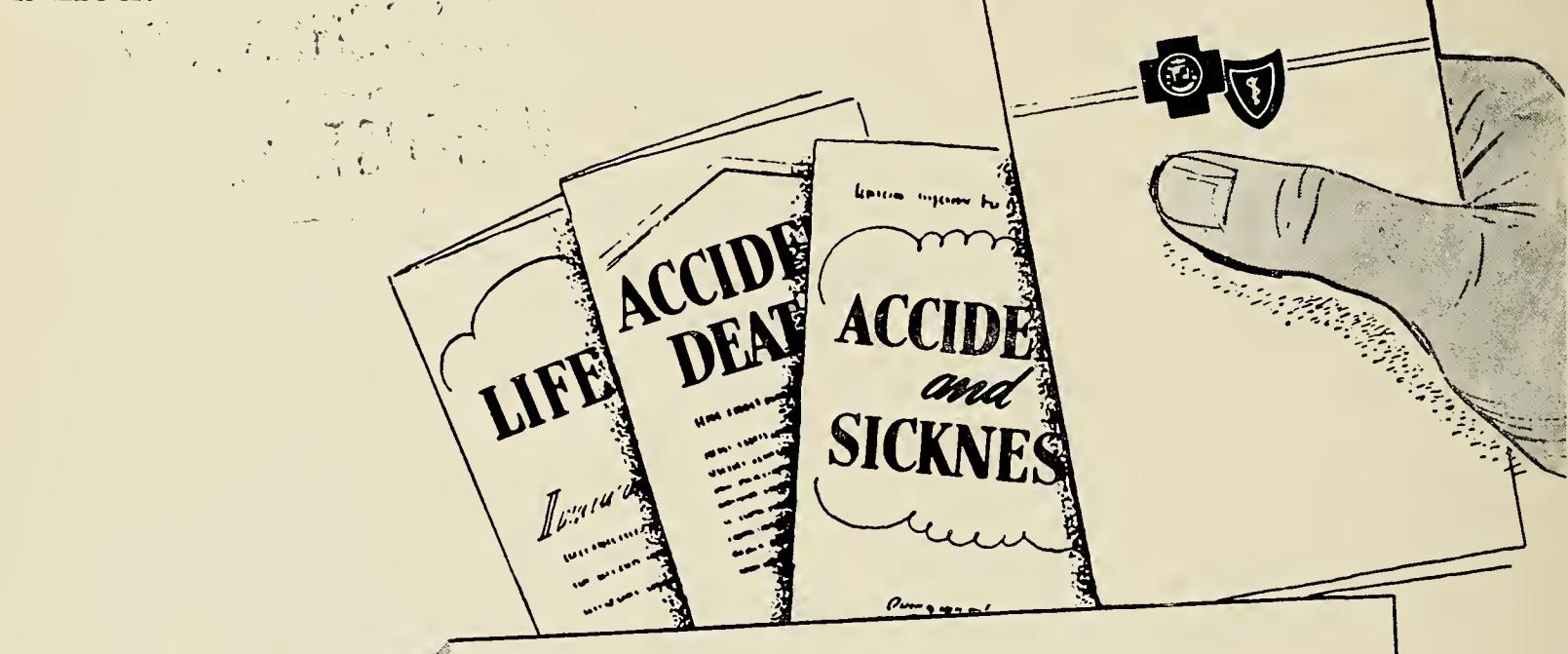
MASSACHUSETTS STATE LABOR COUNCIL AFL-CIO



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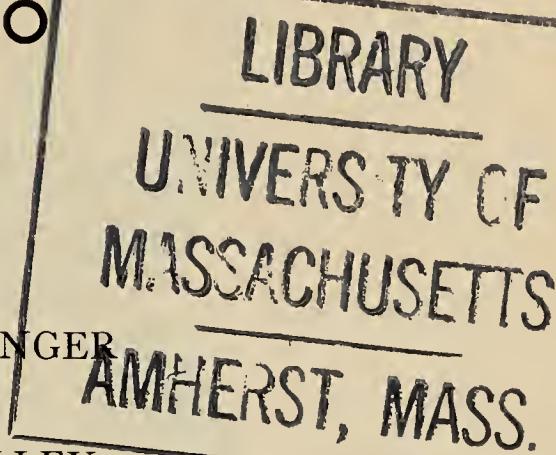
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"As we work together, we will be better able to strive for a rising standard of living and for a sound economic structure in the state. We can be more influential in the defense of civil liberties and civil rights. We can march all together to greater successes in a new united labor organization wholeheartedly dedicated to American democratic traditions . . .

"For labor here in Massachusetts, the merger of our two organizations should give everyone new hope and new confidence . . . The greater strength we have assumed can be used to advantage for the good not only of our members, but for the entire state and for all its citizens."

These excerpts are from the speech delivered at the merger convention on December 5, 1958 by the Council's first president, J. William Belanger. In the light of the events of the past ten months, there is a prophetic note in the words reproduced above.

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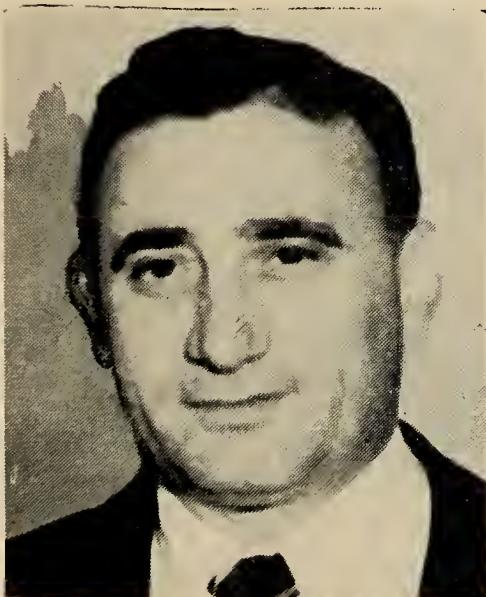
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"The plight of the lower income groups is something with which everyone in labor must be concerned if the higher standards achieved by any group of workers are to be retained."

SALVATORE CAMELIO
Executive Vice President



"I feel highly honored and (as Commissioner of Labor and Industries) I shall endeavor to carry on the best tradition of organized labor and to serve in the best interest of all the people of this Commonwealth."

JOHN A. CALLAHAN
Executive Vice President

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*GREETINGS . . . to the Massachusetts State Labor Council
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Ten Months of Progress



THIS WAS THE BEGINNING. Time: the afternoon of December 6, 1958. Four executive officers and thirty-one vice presidents stands ready to be sworn in after being elected to serve as the first Executive Board of the Massachusetts State Labor Council, AFL-CIO. They are, Arthur LeBlue, Vincent Di Nunno, Edward Brunnelle, Thomas Binnall, Joseph D. McLaughlin, Arthur Anctil, Daniel Murray, John A. Callahan, J. William Belanger, Kenneth J. Kelley, Salvatore Camelio, Robert L. Walkinshaw, Anthony Accardi, Jeremiah Calnan, John Burns, Guy Campobasso, John Hunt, Thomas Leone, Joseph F. Sweeney, William H. Moran, Edward Wall, James P. Leughlin, Richard B. O'Keefe, Manuel F. Lewis, John F. Wipfler, Oscar R. Pratt, Helen T. O'Donnell, James Murphy, Neil McKenzie, James McCarthy, Ralph A. Roberts, Lawrence J. Thompson, Thomas J. Rush, Valentine Murphy and Benjamin Maglizzzi. At the rostrum is R. J. Thomas, Assistant to AFL-CIO President George Meany, who presented the charter to the merged Council and swore in the new officers.

The officers of the Massachusetts State Labor Council, AFL-CIO, in their report to this 1959 Convention, recalled that the Council "was chartered in the midst of circumstances extremely challenging to the entire labor movement, both at the national and state level."

The country was just pulling out of a recession that had hit one out of every four American families and swelled unemployment rolls to a peak of nearly six million people.

A nearly hysterical anti-labor feeling had been generated throughout the land by the lopsided interpretations of the McClellan Committee findings.

Labor's rather spectacular successes at the polls in the 1958 election had unleashed a nation-wide big business drive to prevent labor from following up with similar successes in the field of legislation.

The new State Council lost no time in ironing out unresolved issues and completing

physical integration in order to tackle as a thoroughly united body the problems created by all this.

The first challenge to the new Council was a State Administration attempt to divide labor's ranks on the controversial issue of the sales tax. The Council reacted quickly. After studying the question thoroughly, the 35-man Executive Board voted unanimously to oppose "a sales tax in any form" and proceeded to make its position clear to all its members and to the general public.

The early campaign conducted by the Council was effective enough to preclude the necessity of extensive lobbying when the sales tax measure was finally brought before the General Court.

Twenty-two bills had been filed with the Legislature by the Council. If there was any feeling at the outset that legislative gains would come easy this year because of Labor's



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Ten Months of Progress [Cont.]

unprecedented successes at the polls last year, the feeling was soon dispelled. The concerted opposition of all segments of big business in the state remained relentless throughout the entire session and the Council's legislative representatives were kept on their toes. They had, however, constant support from the Council, with several vice presidents lobbying almost daily and the executive officers making personal appearances whenever needed.



CLOSEUP OF FOUR executive officers during swearing-in ceremony at merger convention in 1958. Directly behind table, left to right: John A. Callahan, executive vice president; J. William Belanger, president; Kenneth J. Kelley, secretary-treasurer; Salvatore Camelio, executive vice president.

In the end, nineteen Chapters in the Acts of 1959 were new laws or amendments based on labor-sponsored bills.

The failure to get favorable action on the strike benefits bill and on the proposal to provide compensation for workers idled by illness was attributed to the intensive anti campaign conducted by big business.

The officers of the Council, however, urge all members to continue their efforts "to get these laws on the statutes."

In the field of education, the Council continued the scholarship program established by the former Massachusetts Federation of Labor. Two \$500 scholarships given by the Council, combined with nineteen area awards given by local bodies add up to a total of nearly \$5,000 for which high school senior in public, private and parochial institutions may compete.

The examinations held April 9 saw 1215 students from 170 high school try for the scholarships.

The Council also authorized two Fellowship awards to see two labor men through the 13-week course of the Harvard Trade Union program.

In June, more than 150 members of affiliated unions answered the call of the Council to participate in the annual Labor Institute held at the University of Massachusetts in Amherst. The theme of the institute was "Labor's Role in Space Age Progress.

Through its COPE Department, the Council inaugurated a program designed to strengthen Massachusetts labor in the field of politics. The officers of the Council believe that to be fully effective at the polls in election years, organized labor must maintain its political action setup the year round.

After outlining briefly the steady progress made by the merged organization in its first ten months of existence, the officers in their report conclude:

"As we enter the second phase of our existence as a merged organization, we feel that we can move forward with greater strength from a lasting base of unity and solidarity achieved during the past ten months by your four executive officers and thirty-one vice presidents.

"Entering a year that will bring politicians to the front door of the House of Labor for endorsement and support while enemies of labor try to break through the back with battering rams supplied them by Congress this year gives us food for sober thought."

And giving the outlook for the coming year some sober thought brings up sharply the "ghost of things to come" under the disquieting pall of a new law called the "Labor Management Reporting and Disclosures Act of 1959," which became effective September 14.

The AFL-CIO fought until the end to have the razor-sharp provisions removed from the final measure. Not only labor leaders but eminent economists are convinced that this law, as it stands now, will not only hurt the union member and his family but will be detrimental



WALTER MCPHERSON, chairman of the 35-man COPE Committee of Local 5 of the Industrial Marine and Shipbuilders Union, explains how to prepare card file system that will make it easier to conduct successful registration drives.

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Ten Months of Progress [Cont.]

to the economic health of the entire nation. They expect wages to be depressed and purchasing power lowered, a blow the American people can ill afford at this time.

The majority of the members of the Senate displayed extreme moral cowardice when they left their seats during Senator Wayne Morse's attempt to warn them of the dangers inherent in the proposed bill. They apparently had been so browbeaten by vested business interests that they could not bear to hear the truth from this expert — a former chairman of the President's Railway Emergency Board, former public member of the War Labor Board, and former professor of law and dean of the University of Oregon Law School.

Senator Morse was pointing out that the new law would sharply infringe on trade union rights in a number of areas, but that its most punitive sections would critically weaken the effectiveness of unions in organizing the unorganized.

Northern Democratic Congressmen who voted against the final measure are telling their constituents that the labor bill will have a serious impact on northern industry and its workers. They foresee more plants migrating South to enjoy low-paid, non-union labor and numerous tax advantages.

The smaller international unions will be the hardest hit. While larger unions will be harassed, they should be able to stand the impact. For small local unions, however, the new demands for filing complicated reports and meeting other requirements will be particularly taxing. The labor movement may be hard pressed to find members willing to assume the responsibilities of leadership at the risk of extensive fines and even imprisonment.

The most disturbing aspect of this whole mess, however, is that labor must not look upon the new law as the ultimate in restrictive legislation. The prime architect of anti-union legislation, Sen. Barry Goldwater, during the final debate on the conference bill, told the Senate, "We have further work to do in this field."

Goldwater would put unions under the anti-trust laws, make them subject to sweeping injunctions in Federal courts, tax them, make the open shop compulsory, make the unions liable for acts of their individual members, and give employers the right to fire workers for union activities.

Thus, in the words of the officers of the Massachusetts State Labor Council, at the close of their report to the convention:

"We cannot afford to dispel our strength by division within our ranks. This is a time for closing ranks — a time to present a solid front to all who are watching for the slightest sign of weakness to launch new attacks against us."

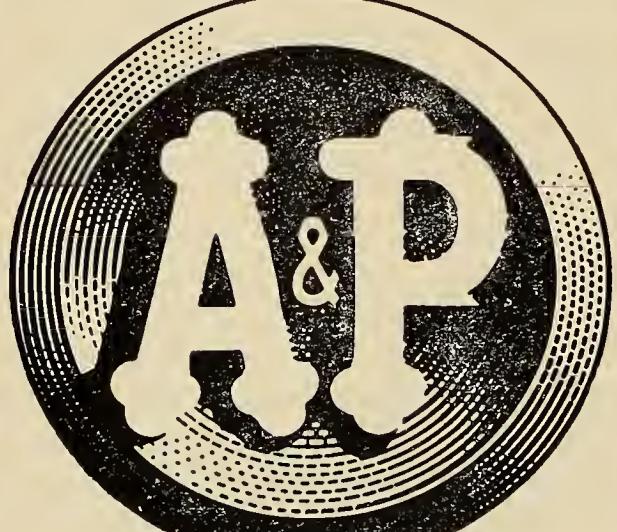


Bess Myerson, noted star of CBS-TV's "The Big Payoff" needles a bit of trade union history. She is sewing the first International Ladies' Garment Workers' Union Label into a lingerie product at a recent New York City ceremony. Looking on at the inauguration of the label are (left) Louis Stulberg, General Secretary-Treasurer, ILGWU, and Matthew Schoenwald, Manager of the Undergarment and Negligee Workers Union Local 62, ILGWU. From now on a staggering 200 million labels will be sewn annually by members of Local 62 into panties, slips, petticoats, pajamas, baby doll pajamas, nightgowns, negligees and peignoirs. A million dollar advertising campaign has been mounted by the ILGWU label when they buy women's, children's and infants' garments. Union interested in information and promotion material may write the Union Label Dept., ILGWU, 1710 Broadway, New York 19, N. Y.



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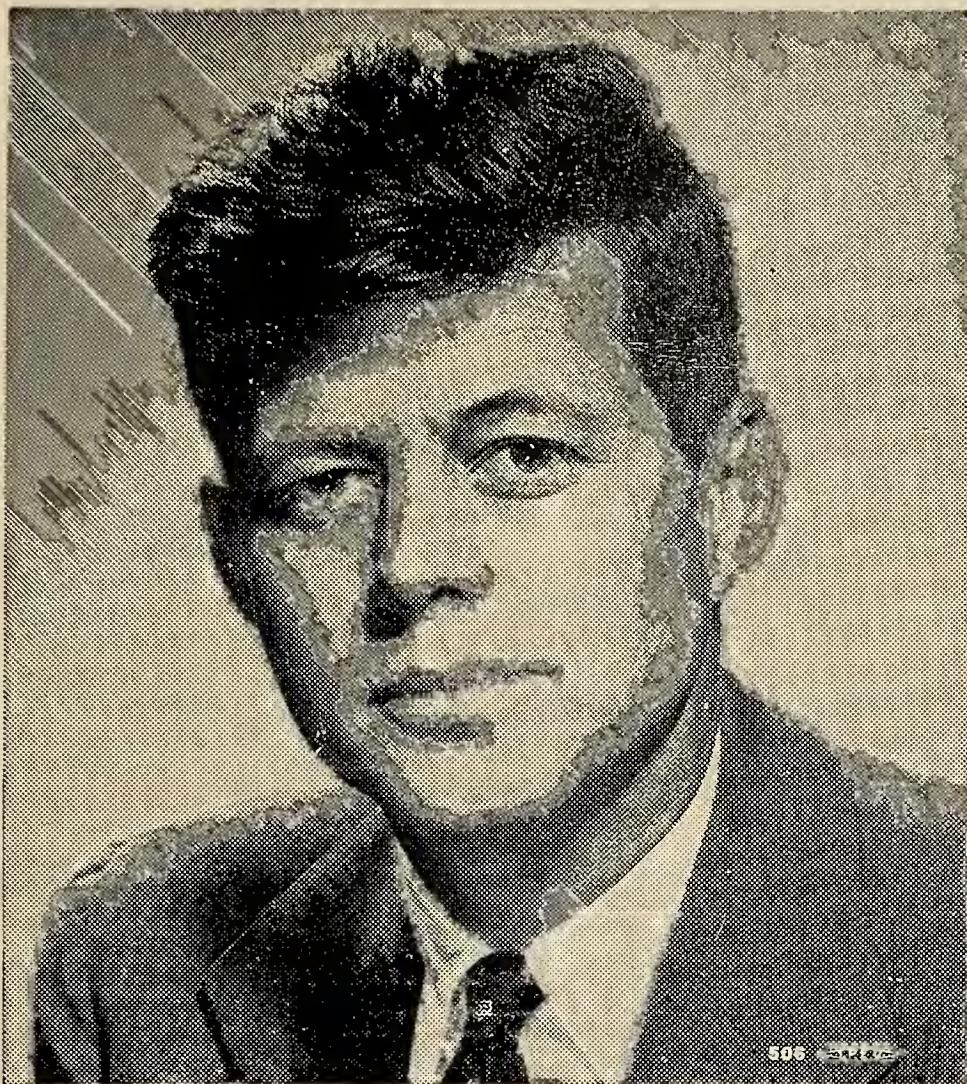
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To Keep the Facts Straight...



SEN. JOHN F. KENNEDY

When Senator John F. Kennedy was assailed in relation to an alleged position he took on the new labor law which originally bore his name, the newspapers played it up big.

It is to the credit of the president and the secretary-treasurer of the Massachusetts State Labor Council, AFL-CIO, that they answered the charge made at the national AFL-CIO Convention in San Francisco on the spot.

If the papers had given more space to the speech Sen. Kennedy delivered to the convention of the AFL-CIO Building and Construction Trades Department on September 11 in San Francisco, there might not be any doubt whatsoever as to his integrity and his tireless efforts to get a law enacted that would do no harm to legitimate trade unions and which would apply not only to the crooks in the labor movement but to the robbers in management as well.

In his speech on September 11, which was his first public appearance since passage of the labor bill, the Junior Senator from Massachusetts warned that the new labor law would slow down the organization of workers in

some areas and industries and would place unwarranted burdens on small local unions.

He charged that the Chamber of Commerce and the National Association of Manufacturers were not concerned about controlling racketeering in the labor movement but that they merely wanted legislation that would hamper the legitimate activities of honest trade unions.

He pointed out that if Congress had passed the Kennedy-Ives bill last year, "effective anti-racketeering legislation would have been on the books a year ago" without the unfair and unsound provision, written into this year's law.

He placed the responsibility for the new law squarely on the Eisenhower Administration and urged labor to step up its political activity so as to be in a position to meet any further attempts by anti-labor business groups to weaken unions through legislation.

The Landrum-Griffin bill passed by the House, he said, is the "most anti-labor bill" ever passed in Congress—and "no friend of labor" could have voted for it.

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Projection Into the Future

The most difficult of the four parts in the examinations prepared by the Department of Education and Research of the Massachusetts State Labor Council, AFL-CIO, for the first annual Scholarship Award contest was without question the last part, which was rated at 35 points. Here the contestant was asked to project himself into the future over a span of sixteen years and set down, in approximately 300 words, what a high school student in 1975 would say about the role of organized labor in our economy with special reference to: (a) effects of automation; (b) developments on the international front; (c) exploration of space; and (d) effects of new sources of nuclear power. This would be a tall order even for more mature minds.

There were two \$500 Awards given by the State Labor Council and a number of other area awards. The winner of the first \$500 was Stephen J. Kramer of 6 Hanover Circle, Lynn, and the winner of the second \$500 was David L. Pellissier of 5 Sterling Road, Holyoke. Young Kramer was a senior at Lynn Classical and Pellissier a senior at Sacred Heart High in Holyoke.

Here are the two winning essays.

FIRST ESSAY

By **Stephen J. Kramer**

The year 1975 presents a much different problem to the graduating high school student than the problem that was presented in 1959. The effects of automation upon our lives has been tremendous. Our working days are much shorter, our wages are much higher, and our national productivity is much larger than it has ever been. The buying power of the average worker has increased to unbelievable heights. The high school student cannot go right into industry, but he must specialize for any and every job; unskilled labor is now obsolete. Automation, which caused the second industrial revolution, has produced more new jobs than was ever imagineable.

Today **war** is an unheard of threat. We are now working hand in hand with other countries in the conquest of space, and war is just not on our minds. We are working with our neighbors for advancement, not fighting our neighbors for destruction (or maybe even complete ruination).

We have gone far since the launching pads at Cape Canaveral. We are now able to send people to the moon and even farther. We have only been able to do this working together with our neighbors (all countries in the world).

Nuclear power is the one field we could not do without. It has created many, many new jobs for the millions who were previously unemployed. It has shortened our labor and lengthened our leisure.

Organized labor has accepted automation and the results it has caused are unbelievable. Labor has received many advancements in the last few years, and now labor takes greater pleasure in what it does, more so than ever before.

Nowadays Industry is working on a smaller profit and are receiving the remainder of their profit in satisfaction from their workers.

If not for organized labor we would not have the great advancement that we now have...Unions, one of the main necessities of life.

SECOND ESSAY

By **David L. Pellissier**

Effects of Automation, 1959. At present a rapid change into automation is not favored by Organized Labor. However, Organized Labor knows that automation eventually will be used widely in Industry within ten or more years. So, in contracts, they are adding a few clauses to help the workers if a company decides to change to automation. These clauses include such things as the retirement of workers who are more than 60 years old, six months severance pay for those workers who will not be needed after the change is completed and the education of younger workers to learn how to run the machines. This change to automation is not wanted by quite a few, but they can do nothing except to learn to live and like it.

That was the way the situation was in 1959. The people, however, have changed their tune greatly now in 1975. For they really see and enjoy the fruits of automation.

Automation is present in all the large industries and yet there is enough work for all. The reason is simple. Rocketships are now traveling to and from the moon. The first rocketship landed on the moon fifteen years ago, the first man ten years ago.

Here on Earth rocketships are completely made by machine. The tiny settlements on the moon are completely automated. Mining is done by machine.

Since the Rocketship is a very complicated (machine) device, many machines are used in making it. Men are needed to run these

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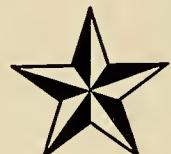
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Projection Into the Future [Cont.]

machines. The figures in Employment and Unemployment tell the story. In 1959 there were 5 million unemployed and 67 million employed. In '75 there is close to 80 million employed while there is less than 1 million unemployed.

The point I am trying to make is this:

automation was in 1959 a necessary evil. Now in 1975 it is a help and not a hindrance. As you can see by reading books on the subject, many men were put out of jobs when automation came into being on a limited scale. But entire automation has (given) created many more jobs than there ever were in the history of the U. S. With the settling of the Moon fully under way, jobs in construction and the like will be expanding greatly, thus creating a larger number of jobs for the booming population.

On the Legislative Front

AN ANALYSIS

In their report to the Convention, Legislative Director James A. Broyer and Legislative Agent Albert G. Clifton list nineteen bills sponsored and supported by labor which were enacted into law by the General Court before prorogation this year.



REPRESENTATIVE OF ORGANIZED LABOR seek at all times to bring directly to the lawmakers the views of the members on important issues. Group here waiting to talk to Senators.

In the introductory remarks of their report, the two labor lobbyists recall the unprecedented opposition to labor's legislative program they encountered from the first day of the session to prorogation. The "widespread, well-planned drive against labor legislation," they pointed out, was launched to anticipate labor's better chances of success as a result of victories achieved at the polls last year.

The strategy of labor's opponents was mapped out to meet the unusual change the election had wrought in the Legislature — where, for the first time in the history of the state, Democrats took over with a clear majority in the upper chamber. They already controlled the House.

In other years, the legislative report recalls, labor's opponents could afford to by-pass the House and concentrate on the Republican majority in the Senate to have labor bills watered down or killed entirely. This year, they knew they would need Democratic votes and they quickly adopted what must have been a distasteful tactic—that of wooing Democrats.

While labor's perennial opponents — the Associated Industries of Massachusetts and the Chamber of Commerce — remained in the vanguard, big business concerns like General Electric, Raytheon and Bethlehem Steel sent their own emissaries to disturb the equilibrium of the legislators with predictions of a darkening business climate and dire threats of a mass exodus of industrial plants from the state.

Legislators were wined and dined and key legislators were constantly pressured with prognostications designed to impress on their minds the picture of a ghost state stretching from New York State to Massachusetts Bay.

The newspapers picked up the chorus and in editorials, articles and one-sided news versions sought to amplify the dire threats and



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On the Legislative Front [Cont.]

despairing predictions in an obvious attempt to shake public confidence and start an avalanche rolling toward Beacon Hill in support of the views of labor's opponents.

The tragic fate of the twice-proposed sales tax would indicate that the general public was more impressed by labor's arguments. And while several pieces of major labor legislation were side-tracked, it was generally conceded in the press after prorogation that labor had a good year.

At the conclusion of the report we find the following statements:

"We need to evaluate the progress made this session and what the trends have been for similar legislation in the other industrial states, in preparation for measures to be filed for 1960.

"We can recommend that the time has come to file a State Fair Labor Standards Act. Also, we should consider filing a bill to provide for a weekly Workmen's benefit of two-thirds of the average wage up to \$100 earned weekly."

The report also predicts that opposition to labor's legislative program will be even greater next year than it was this year. This, however,

cannot deter labor from seeking further improvements in the laws affecting working men and women and correction of inequities that still exist — for in evaluating the progress made this year, we have to consider that most of the improvements grudgingly granted have not actually raised benefits to a level in keeping with modern standards nor to a degree in balance with even moderate needs.

We have done well in raising the minimum wage from 90¢ to \$1.00; in increasing benefits for children of unemployed workers from \$4 to \$6; in extending the period during which an unemployed worker may receive compensation from 26 to 30 weeks (although this should have been 39 weeks); in keeping the base period earnings required to qualify for unemployment benefits down to \$650 (the Senate wanted it to be \$800); in increasing the weekly maximum unemployment benefits to \$40; in making possible for women to refuse employment on shifts running from 11 p. m. without losing their rights to unemployment compensation; in increasing all benefits under Workmen's Compensation law; and in winning all those other concessions listed in the report of the Legislative Department.

We have done well — but we can ill afford to halt. The ultimate objective is not yet in sight. Let us reaffirm our aims and prepare to meet a greater opposition with a stronger determination.

Watchdog of the Commonwealth

By Commissioner JOHN A. CALLAHAN

DEPARTMENT OF LABOR AND INDUSTRIES

On several occasions since my appointment as Commissioner of Labor and Industries I have stated emphatically before labor groups that as long as I am in office I shall discharge my duties to the very best of my ability and in strict accordance with the provisions of the laws that govern the functions of the various divisions of the Department.

I have made this pledge with the full conviction that only by uncompromising conformity with the laws of the Commonwealth can the Department of Labor and Industries best serve the interests of all citizens—the majority of which are the members of our trade unions and their families.

Most people know, of course, that the Department is charged with ferreting out violations of the wage and hour law and to make certain that no working man or woman is shortchanged by his or her employer. This is, however, only a part of the beehive of

activities that go on day after day within the Department.

Let me illustrate by giving a few scattered examples of the work that is done in some of the Divisions. For instance, investigators from the Division on the Necessaries of Life in August made 1,388 inspections of retail gasoline outlets for the purpose of ascertaining that there were no violations of the Motor Fuel Sales Act. They found 12 illegal signs, 6 improper branding of equipment, 1 improper record keeping and 3 licenses not posted.

While these may have been minor infractions, the investigators were on the alert for more serious offenses. They had taken 468 samples of gasoline and 16 samples of lubricating oil to be analyzed and tested by our laboratory. In addition to this, 89 octane rating tests were conducted. There were no violations detected in these but it is obvious that this kind of vigilance goes a long way to prevent violations.

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Watchdog [Cont.]

This Division in the same month received a total of 119 inquiries by phone, mail and by personal calls at the office in relation to landlord and tenant problems and other matters. Twenty-two complaints relating to these problems were processed. It is this Division also that issues each month the Massachusetts Retail Price Index.

Going to the Division of Standards for the same month, we find that 775 weighing and measuring devices of a general nature were tested and sealed (only 39 were found inaccurate); 901 of these devices used in laboratory work were inspected and adjusted wherever necessary; there were 4,805 inspection of food in package form; 193 store inspections; and 82 others. Fourteen complaints were investigated and 10 hearings were conducted, with two prosecutions.

Now let's turn to the Division of Industrial Safety and examine one of its monthly reports. The importance of the work of this Division is self-evident. In the mercantile, manufacturing, mechanical, workshop and other establishments in the industrial field, and in the general building operations, roofing, painting, public works and sub-contractors, a total of 4,918 inspections, 657 re-inspections and 611 visits were made, adding up to 6,186 separate and distinct operations by the personnel of the Division.

This Division issued a total of 1,553 orders during that month, 469 of which were written orders and the remaining 1,084 verbal. There were 30 prosecutions for non-payment of wages and 2 for labor laws violations.

In the industrial field, the Division was called on 32 accidents in the first quarter of the year, 3 of which were fatal. In the building field, the Division was called on 26 accidents, 3 of which were fatal. In that same period, Division inspectors also looked in on 38 cases of industrial diseases, 36 of which were caused by radioactive smoke inhalation.

It is to be expected, of course, that not all the complaints that reach this Division are valid. Of 15 complaints that reached the Division pertaining to the building field, only 7 were valid. Of 43 pertaining to the industrial field, only 19 were valid. Every complaint, however, must be thoroughly investigated.

These, briefly, are some of the functions of the Department of Labor and Industries. As all labor groups in particular are well aware, an added obligation was placed upon the Department the first of the year when the new law covering health and welfare funds became effective.

This short resume of some of the activities of the Department of Labor and Industries will suffice, I am sure, to make clear to everyone why the laws which govern the function of the various divisions of the Department must be



THIS PICTURE was taken in March when John A. Callahan, Executive Vice President of the Massachusetts State Labor Council, took office as Commissioner of Labor and Industries. With him are President J. William Belanger, who led a delegation to the Governor's office to urge John A. Callahan's appointment, and outgoing Commissioner Ernest A. Johnson, whose long term in office was also as one of labor's favorite. Both the new and the old Commissioners are members of the International Brotherhood of Electrical Workers, an affiliate of the AFL-CIO.

strictly enforced. To make certain, for instance, that the dealer in motor fuels sells only that which he is licensed to sell is protection not only for the consumer but for all his competitors as well.

In closing, I can think of no better parallel to draw than to call the Department of Labor and Industries the "Watchdog of the Commonwealth."



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NEW ENGLAND ELECTRIC

Honorable Mention and Scholarship Award Winners

BESIDES THE TWO TOP WINNERS OF THE SCHOLARSHIP AWARDS OF THE MASSACHUSETTS STATE LABOR COUNCIL, AFL-CIO, WHOSE WINNING ESSAYS ARE PUBLISHED ON PRECEDING PAGES, THERE WERE NEARLY FIFTY HONORABLE MENTIONS AND AREA AWARDS WINNERS. THIS IS THE COMPLETE LIST

FIRST WINNER	STEPHEN J. KRAMER, Lynn Classical High	\$500.
	Lynn Central Labor Union	200.
	Lynn Teachers	
	Typographical Union No. 13, Boston	
	J. Arthur Moriarty Award	50.
	Typographical Union No. 13, Boston	
	Clarence H. Demar Award	25.
SECOND WINNER	DAVID L. PELLISSIER, Sacred Heart, Holyoke	\$500.
	Holyoke Central Labor Council	100.
	Typographical Union No. 13, Boston	
	J. Arthur Moriarty Award	50.
	Typographical Union No. 13, Boston	
	Clarence H. Demar Award	25.
THIRD	SHEILA WEINER, Jeremiah E. Burke High School	
FOURTH	DAVID STEPHEN WEINER, Boston Latin High	
FIFTH	ANN M. DONNELLY, St. Clare High School, Roslindale	
6.	Dale E. Peterson, East Bridgewater High	BROCKTON CLC—\$250.
7.	John E. Pellegrini, St. Bernard's High NO. WORCESTER COUNTY CLC—	200. Fitchburg
8.	David C. Dorney, Boston Latin High	
9.	Peter O'Connell, Northbridge High	WORCESTER CLC— 100.
10.	Rosario J. Tosiello, Boston English High	
11.	David H. Burnham, No. Quincy High	NORFOLK COUNTY LABOR C.— 200.

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12. Joan Eiardi, Sacred Heart Holyoke HOLYOKE CLC— 100.
13. Richard Stanley Bakulski, New Bedford High NEW BEDFORD CLC— 250.
14. Daniel Jamros, St. Joseph's High, No. Adams
15. Alvin P. Sanoff, Boston Latin High
16. Barbara Sylvester, Needham High School
17. Louise Zembiski, Smith Academy, Hatfield NORTHAMPTON CLC— 100.
18. Susan T. Power, Ascension High, Worcester
19. Charles H. Lyons, Boston Latin High
20. Patricia E. Hurley, Technical High, Spfgd. SPRINGFIELD CLC— 250.
21. Janet Dorothy Herron, Stoughton High
22. Marcia L. Chase, Lynn Classical High LYNN TEACHERS No. 1037 AWARD— 150.
23. John F. O'Connell, Sacred Heart Holyoke
24. Helen Frazier, Lowell High, Lowell LOWELL CENTRAL LABOR C.— 100.
25. Robert Wainer, Brookline High, Brookline
26. Margaret Teed, Randolph High, Randolph
27. Alan Edberg, Westfield High Westfield.... WESTFIELD CENTRAL LABOR C.— 50.
28. Ellen Nora Goodwin, Lynn English High ..LYNN TEASHERS No. 1037 AWARD—
29. Louise E. Turgeon, Sacred Heart High, Holyoke
30. Garrison Nelson, Lynn Classical High
31. Allen J. Drescher, Bartlett High, Webster
32. Melvin A. Mitnick, Boston Latin
33. David E. Neelon, Waltham Senior High, Waltham
34. Lawrence Mello, Gloucester High, Gloucester .. GLOUCESTER CENTRAL LC— 200.
35. Robert M. Arthur, Jr., Technical High, Springfield
36. Susan Sadoff, Marblehead High, Marblehead
37. Ellen Pauline O'Brien, St. Clare High, Roslindale
38. Katherine Mae Messier, Lowell High, Lowell
39. Donald Ouimet, Sacred Heart High, Holyoke
40. Barbara Shea, St. Mary's High, Beverly
41. Sandra Moulton, Technical High, Springfield
42. William Field, Hudson High, Hudson
43. Robert Edward Kowal, Northampton High NORTHAMPTON CLC— 100.
44. Cecelia Bragan, Girl's Latin, Dorchester
45. Alphonse W. Lewandowski, Lynn Classical
46. Marilyn A. Murphy, Lawrence High LAWRENCE TEACHERS No. 1019— 100.
47. Moshe Meiselman, Boston Latin High
48. Thomas J. Romrath, Hyde Park High, Hyde Park
49. Robert Spitz, Lynn Classical High
50. Shirley Jean Smith, Abington High, Abington



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Some Legal Development in the Labor Law Field in Massachusetts

by ROBERT M. SEGAL

COUNSEL FOR MASSACHUSETTS STATE COUNCIL, AFL-CIO

1. Introduction

The past year has witnessed increased activities in the dynamic and emotional field of labor relations even on a state level. Although the most important event occurred on a federal level with the passage of the anti-labor and restrictive Labor-Management Reporting and Disclosure Act of 1959, in Massachusetts, several important pieces of legislation were enacted in the field of labor relations ranging from lie detector tests to the model arbitration law. Similarly, although the many labor decisions of the U. S. Supreme Court and the National Labor Relations Board are of paramount importance to all labor unions, nevertheless there were several vital decisions by the Supreme Judicial Court of Massachusetts directly affecting labor unions and their members.

2. Court Decisions in Massachusetts

Labor matters were before the state supreme court in five cases apart from the workmen's compensation field. The topics covered by these decisions included arbitration, suspension of members from unions, constitutionality of a measure providing a three-judge panel in labor cases, the minimum wage law and retirement separation pay under a union contract.

In **Kesslen v. Board of Conciliation and Arbitration**, 1959 A. S. 903 (May 29, 1959), the Court held that if arbitrators make errors of law and not merely of fact by making findings not warranted by the evidence, this will not invalidate the decision of the arbitration board. Basically, the Court reiterated its position in earlier cases whereby in the absence of fraud, the decision of arbitrators who are acting as a quasi-judicial tribunal are final and binding even though there may be an error of law or fact. In the future, the new arbitration act will govern this type of case and should produce the same result.

In **McDermott v. Jamula**, 1958 A. S. 1383, the Supreme Judicial Court held that the provisions of the International Constitution of the IBEW govern the relationship of a member with his union rather than the custom or practice of the local union. In this case, the individual member, a licensed electrician, sued

the officers of Local 284 and the IBEW for alleged unjust suspension from the union. The member had failed to pay his \$9.10 monthly membership dues for March, April and May until June 2, and the local secretary had returned the money because he was suspended for a three months' arrearage in his dues requiring application for reinstatement. The Court upheld the suspension and held that a person who fails to pay his dues in advance as required by the Constitution can be suspended as a delinquent member if the Constitution so provides. Furthermore, the Court stated that a local union has no power to waive the express provisions of the Constitution of the International Union. This case has some important language for unions relative to dues, delinquencies, constitutions, and relations between locals and internationals.

In an important advisory opinion to the House of Representatives, the Supreme Judicial Court of Massachusetts in **Opinion of the Justices**, 1959 A. S. 775, stated that the General Court can constitutionally enact legislation setting up a panel of three judges for action arising out of labor disputes. The Court also stated that the enactment of such legislation would not be class legislation or conflict with the requirement of equal protection under the law. This advisory opinion helped clear the way for the passage of labor's sponsored bill (which became Chapter 600 of the Acts of 1959) providing for three judges of the superior court to hear equity action arising out of labor disputes.

No new decision involving the anti-injunction law of 1950 has been decided by the Supreme Judicial Court since **Poirier v. Justices of the Superior Court**, 1958 A. S. 797, 150 N. E. 2d 558. In that case, the Brockton Building Trades Council had peacefully picketed a non-union contractor with "stranger pickets" allegedly for a union agreement; the picketing was temporarily enjoined by a Superior Court Judge who refused to report the case to the Supreme Court. On a writ of mandamus to the full bench, the Court held that this case involved a "labor dispute" under the new statute even though none of the employer's employees were on the picket line, and consequently the preliminary injunction issued without jurisdiction, for the seven procedural requirements of the statute applicable in labor

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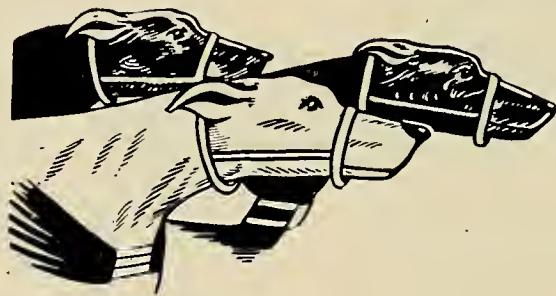


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Legal Development [Cont.]

dispute cases (whether lawful or unlawful) had not been met. At the same time the Court did not pass on the substantive issue of organizational picketing. In a recent Superior Court case (**Merrimac Valley Distributing Company v. Lawrence Cohen**, Essex, Equity No. 12357) Judge Dewing handed down an ex parte (without notice to the union or a hearing) restraining order which was not continued at a subsequent hearing by Judge Lurie relying on the new statute.

In a federal court case involving the Massachusetts' "Sunday laws," in which organized labor is vitally concerned because of the protection of union standards, a three judge panel of federal judges by a 2-1 vote held that these "Sunday laws" as applied to a kosher meat market which closed on Saturday but opened on Sunday was unconstitutional. (**Crown Kosher Super Market v. Gallagher**, U. S. Dist. Ct., No. 58-471 M, June 12, 1959). This case is being appealed to the U.S. Supreme Judicial Court by the attorney-general of Massachusetts.

In **Allied Theatres of New England Inc. v. Commissioner of Labor and Industries**, 1959 A. S. 381, 156 N. E. 2d 424, the Court interpreted the procedure required for the judicial review of state minimum wage orders and held that the State Administrative Procedure Act did not overrule the judicial review procedure set forth in the state minimum wage law.

In **Karcz v. Luther Manufacturing Co.**, 1959 A. S. 63 the Court denied the claims of two former employees of a textile company for retirement separation pay under a union contract where the mill closed for economic reason before the employees reached 65, the age of retirement. The Court distinguished the retirement separation pay in the contract from severance pay clauses in many union contracts where payments are required upon the closing of a plant. The Court stressed the specific eligibility provision of the union contract and found that the employees were not entitled to retirement separation pay based on length of service.

In the workmen's compensation field, the Court also made several decision of interest. In **Ratigan's Case**, 157 N. E. 2d 215, the Court held that the probative value of medical testimony is a question of fact to be determined by the Industrial Accident Board. The Court will not reverse the Board unless its finding is "wholly lacking in evidential support or tainted by error in law." In **Hankowski's Case**, 159 N. E. 2d 88, the Court reaffirmed the settled principle that where an employee has suffered two compensable injuries, the

insurer covering the risk at the time of the second injury bearing a causal relation to the subsequent disability must pay compensation for that disability. After reviewing the Court's decisions issued this past year, it is fair to conclude that the Court has continued to recognize the legitimate functions of the Board as a final arbiter of fact involving workmen's compensation.

3. Labor Relations Legislation in Massachusetts:

Although the passage of the federal Labor-Management Reporting and Disclosure Act of 1959 overshadowed all labor legislation during the past year, several statutes passed by the recent session of the state Legislature are of importance in the field of labor relations. These measures are apart from the numerous changes made in the unemployment and workmen's compensation laws and the state minimum wage law.

First of all, the General Court enacted a law (C. 255 of the Acts of 1959) prohibiting the use of lie detector tests as a condition of employment or continued employment. Secondly, the Legislature passed a law (C. 600 of the Act of 1959) providing that the chief justice shall appoint a panel of three associate justices to hear any action involving or growing out of a labor dispute; this broad act covers all restraining orders and injunctions in the labor relations field and should insure a more reasoned approach to this dynamic and emotional field by the courts of this Commonwealth.

Of major importance was the adoption of the model labor arbitration law (C. 546 of the Acts of 1959). The new law which is applicable to labor agreements written after December 31, 1959 provides for the enforcement of arbitration clauses and arbitration awards in the state court. If a party refuses to arbitrate, when he has entered into an agreement to arbitrate or where the union contract provides for arbitration, the court can order him to arbitration. The question of "arbitrability" is for the arbitrator and not for the courts to decide. The court will enforce the decision of the arbitrator and judicial review of the arbitrator's decision is very limited and restricted to five specific areas (fraud, corruption, exceeding powers of requiring an illegal act, unfair hearings and no contract to arbitrate). The court can now, unlike the common law, enforce reinstatement awards as well as agreements to arbitrate. The specific roles of the courts and the arbitrator are spelled out and the vagueness of the old law in Massachusetts has been clarified by this model labor arbitration law, which was enacted over the objections of some lobbyists from industry.

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Legal Development [Cont.]

Six regulations have been issued by the Health and Welfare Retirement Funds Board which administers the state Health and Welfare Law. These emergency regulations provide that the \$5.00 per day late filing fee is postponed until November 1, 1959, that all plans (unilateral, joint, employer or union) covering 25 or more beneficiaries for health and welfare, pensions, insurance or pensions are covered, that a duplicate of the federal D-1 form is sufficient to meet the R-1 registration of Massachusetts. As yet, the Board has not issued Form R-2 for annual filings nor has it decided whether a certified copy of the federal D-2 form with supplementary data will meet its requirements.

4. Conclusion

Although the major developments in the field of labor relations during the past year are found in the federal field (in the U.S. Supreme Court, the NLRB and the 86th Congress), several of the decisions of the Supreme Judicial Court of Massachusetts and several of the laws enacted by our state Legislature are of vital importance to labor unions and their members in this Commonwealth. The increasing complexity of the federal and state laws and decisions requires each union officer to be aware of these matters and their ramifications. Furthermore with the delegation of the so-called "no-man's land" in labor relations to the state courts and boards by the new federal law, the role of the state courts in this field may well be increasing and will bear attention from all union officers.

UNIONS ARE INDIVISIBLE

For many years anti-labor forces have been trying to split union members from their officers. Their slogan is: "Divide and Conquer."

AFL-CIO President Meany had some pertinent remarks to make on this subject at the Metal Trades Department convention in San Francisco. His remarks were frank and to the point. They are well worth studying.

He said:

"Through the publicity that has been handed out over the last few years there has been created in the minds of some of our own trade union people throughout the country the thought that there is some kind of a line between the trade union member and the officers of his union; that the officers of his union in some way are a group apart; that they represent some other interests. This has come about partly, I might say, because of the fact that we have been successful in carrying out the trade union program over the years..."

"You know very well that if you have a problem in your local union you have a contract expiring with a possibility of a strike or with just a contract expiring where there is a difference of opinion among the officers or the members as to what should be the terms of the new contract, at that point you have a good attendance at the meeting.

"However, when you sign up a contract and it has a couple of years to run, two years or perhaps in some cases three years and it is a good contract, and it represents the trade union carrying out its purpose to the best of its ability, in other words, it represents a progressive step forward, it represents an achievement —when you get to that point where you have that contract, then there is no interest on the

part of the trade union members, the members of the union, for perhaps two years or so, because they just say, well, we have got a good contract; our conditions are all right, and why should we attend trade union meetings? There is no other problem for us.

"This is a condition that we must overcome. I have seen some of these public opinion polls and I have seen some polls that were taken privately, I can tell you quite frankly that there are any number of good trade unionists, people who belong to the trade union movement, who felt that some kind of legislation should be passed curbing the power, as they say, of trade union bosses or trade union officials.

"These people have become the victims of the propaganda of big business. I think we have got to do something to counteract it. I think we have got to do something to bring the problems of the trade union movement closer to the membership in the trade union movement.

"I think we have got to show the membership that there is more at stake for them as members of the trade union movement than just merely securing a good contract. We also have to show them that these anti-labor laws can eventually hurt them and that perhaps when they do hurt them it will be too late to do something about it.

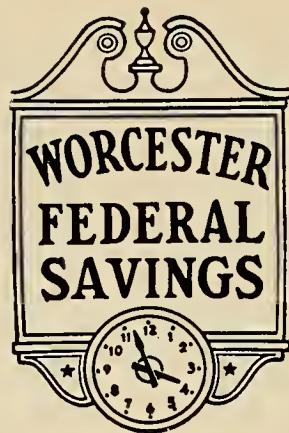
"We have got to have more people, more member participation, and we have got to do a better job of selling our members the idea that their duties go beyond paying their dues. Their duty runs to attending the trade union meetings and their duty also runs to discharging their obligations as citizens by going to the polls."

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The Continuing Challenge

A CIVIL RIGHTS REPORT

By JULIUS BERNSTEIN, Executive Secretary

**Civil Rights Committee, Mass. State Labor Council;
and Regional Director, Jewish Labor Committee**

In the past year the continuing struggle for equal right for all Americans has moved ahead all over the country with varying degrees of speed. Generally speaking, however, those who are concerned with the guarantee of basic human rights that are part of the American ideal, found scant cause for satisfaction, particularly so far as the Congress of the United States was concerned.

Here in the Bay State, organized labor, taking full cognizance of the importance of civil rights to the free democratic labor movement, set up an internal Committee on Civil Rights to educate and service locals on this prime issue. Acting under the chairmanship of Michael D. Harrington, the Committee adopted a four point program that has been locally hailed by human relations agencies.

Meanwhile, however, Massachusetts was moving ahead in the field of equal opportunity with the aid of organized labor. For during the year the Great and General Court extended the state's anti-bias laws so that private housing was covered just as employment, education, public accomodations and public housing were previously covered.

In addition, the Attorney General of the Commonwealth recognized his responsibility to aid the Massachusetts Commission Against Discrimination in fulfilling its obligations by appointing an Assistant Attorney General in Charge of Civil Rights and Civil Liberties.

But while the Commonwealth was showing that no legislative blockade of civil rights would be tolerated here, there were incidents which clearly showed that freedom and democracy in Massachusetts could not be divorced from freedom and democracy in the whole United States.

Newspaper readers skimming through the press sometimes skipped over stories headlined "Klan Revives Terror Sway in Alabama." But had they read on they would have found a serious story indicating a revival and increase not only in anti-Negro activity, but also in anti-Semitic and anti-Catholic activity. Had they delved deeper, readers would have found other news to cause them disquiet.

They would have read of the many links between the Klan and the (White) Citizens

Councils (that have made no bones about their being anti-Semitic and anti-Labor, as well as anti-Negro); and they would have read of the plans of the white supremacists to unify the South so as to exert a significant political influence in the next Presidential election; and they would also have read of the plan of the supremacists — under the banner of States' Rights — to seek to neutralize Northern opinion, and if possible, to enroll Northerners under their banner.

Not long after its organization the Civil Rights Committee of the State Labor Council discovered this latter was no idle threat. It was soon discovered that a Western Massachusetts radio station was presenting on a regular weekly basis a program distributed by the Citizens Councils as part of their propaganda campaign.

Utilizing the research resources and personnel freely made available to the labor movement by the Jewish Labor Committee, the Civil Rights Committee was able — by pressing for equal radio time for pro-civil rights groups, and by informing the station management of the true nature of the organization distributing the program — to get this propaganda cut off the air in the Bay State.

But this kind of victory is scant comfort in the face of the report of the U. S. Civil Rights Commission, which after a two-year study found that there is a great gap between American ideal and American reality in voting, housing and education; and which further found that not only does bias on the basis of **color** exist in practically the entire country to some extent, but that a pattern of **religious** prejudice and discrimination is also prevalent, particularly in the area of housing.

Concerned Americans felt that this report would help put an end to delaying tactics in the Congress stalling civil rights legislation that had been pledged by both the major parties. Despite the huffing and puffing all that came to pass was an early in the session revision of the Senate rule governing filibusters, and a late in the session extension of the life of the Civil Rights Commission. Major legislation to guarantee equal rights and opportunities for all our citizens got nowhere in Congress — except . . .

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The Continuing Challenge [Cont.]

Except in one area. In the area of labor-management relations. Here the alignment of Southern Democrats and Northern Republicans momentarily forgot their abhorrence of anything that interfered with their version of States' Rights, and in passing Title I of the Landrum Act, passed a Federal bill of rights or civil rights bill for union members. Thus the bloc that has been repeatedly accused of having made a reciprocal deal of support in passing an anti-labor bill and in blocking passage of a civil rights bill, set itself an unusual precedent. Now we have a precedent for civil rights legislation **supported** by the very Congressmen who previously most vigorously opposed such legislation for all Americans instead of just union members.

But precedent or not, the Congress conducted a sham battle on the question of legislation to assure the integrity of the Constitutional guarantees of equal rights for all citizens. And there is no cause for national pride in the failure of Congress to attack the system of subtle terrorism and evasion which keeps three-fourths of the Southern Negroes from the polls.

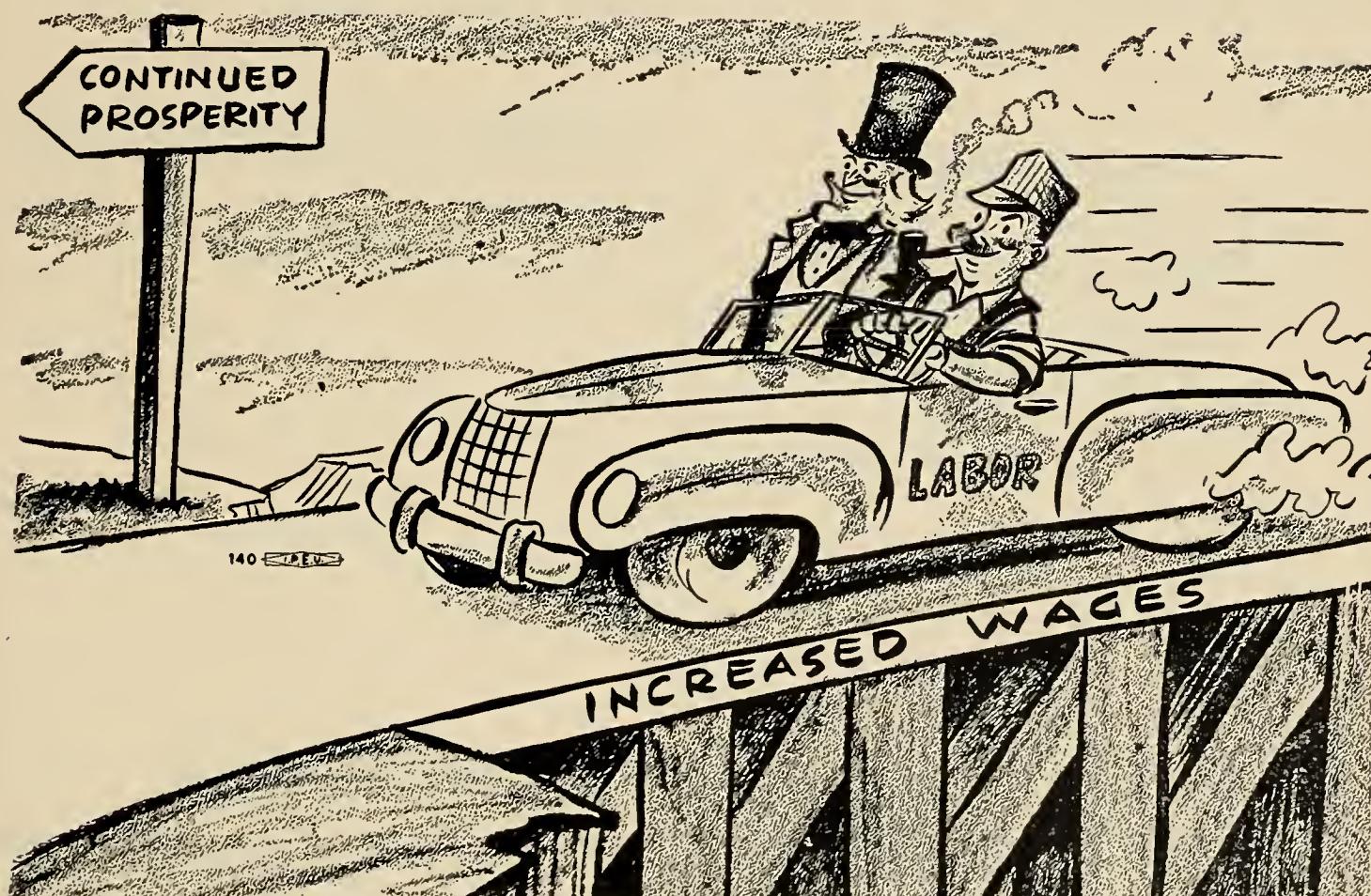
Meanwhile there remained other reasons for democrats to be disturbed. On the international level the United States continue to compromise the integrity of American citizenship as it honors "deals" with foreign nations — particularly in the Middle East — to discriminate against Americans on the basis

of religious adherence. (As in the agreement not to send American servicemen of Jewish persuasion to American bases in the Middle East).

And on another level it was very recently reported that fair practices in political life have been one target of smear attacks during the 1958 elections. Between 1956 and 1958 unfair campaign practices of all kinds directly involving candidates doubled, so that last year there were sixty-four such episodes involving thirty-five seeking Congressional or statewide office. Of these 64 episodes religion or race figured in 16, and 8 of the 16 attacks were directed at Catholics, 5 at Negroes, and 3 at Jews. These latter figures refer to specific attacks on specific candidates, and not to general broadsides.

Thus it is manifest that there is good reason for those who believe in democracy to feel America has room for a good deal of improvement in the field of intergroup relations and in assuring equality of opportunity.

Whether labor has a role to play in the civil rights fight is no longer a moot question. For it is obvious on the one hand that a free labor movement cannot exist and expand and flourish except as democracy flourishes; and it is obvious on the other hand that from the Congress on down to the Citizens Councils the hatemonger draws no hard and fast lines. He fights equally vigorously against the minority group and against organized labor. And his still vigorous fight means that despite the advances, it is too early to relax in pressing "the good fight."





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About 50,000 additional disabled workers have been awarded monthly benefits under a provision in the 1958 amendments which eased the work requirements for persons applying under the disability insurance provision and at the same time extended to June 30, 1961, the deadline for the filing of applications by persons with long-standing disabilities.

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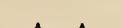


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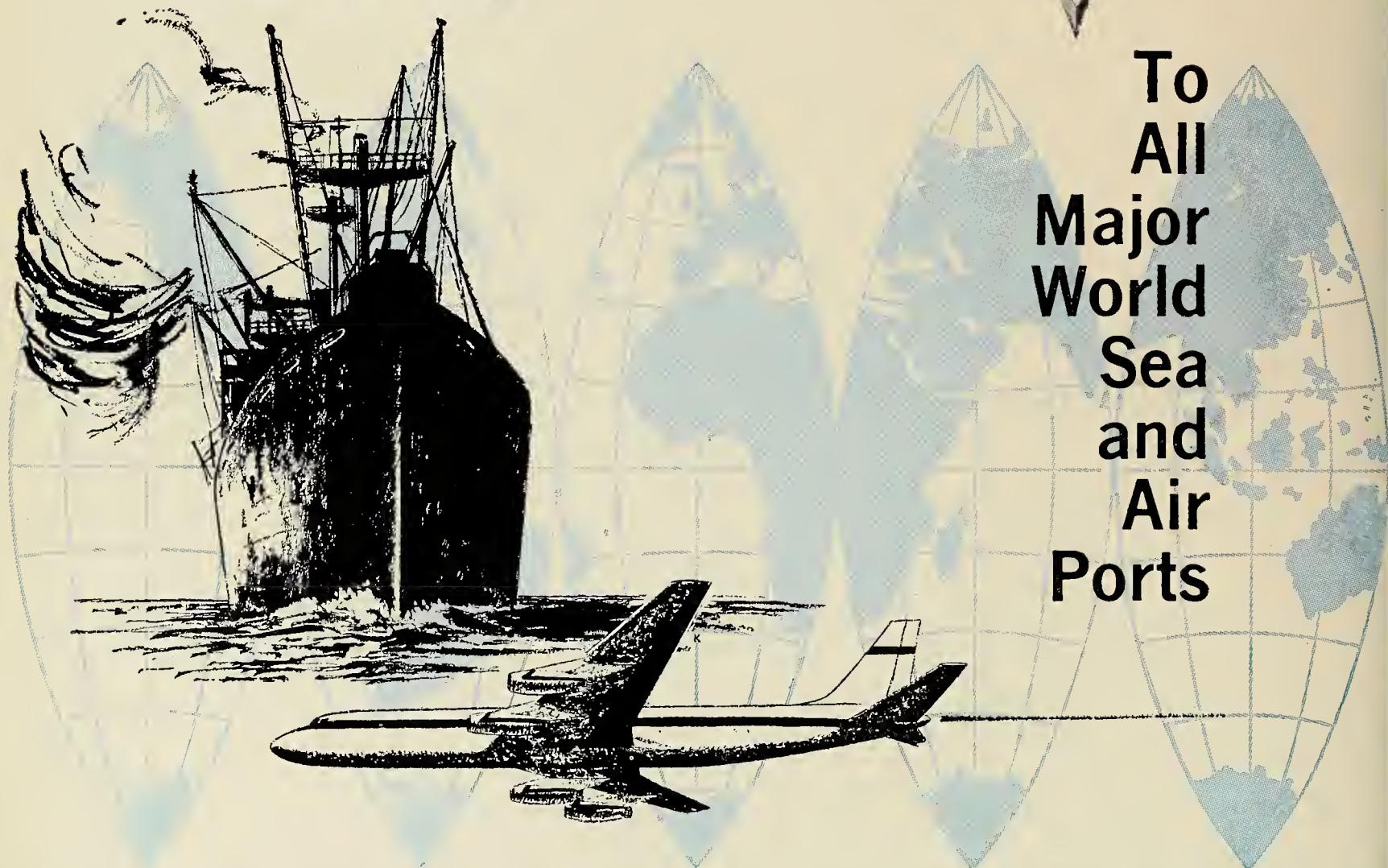
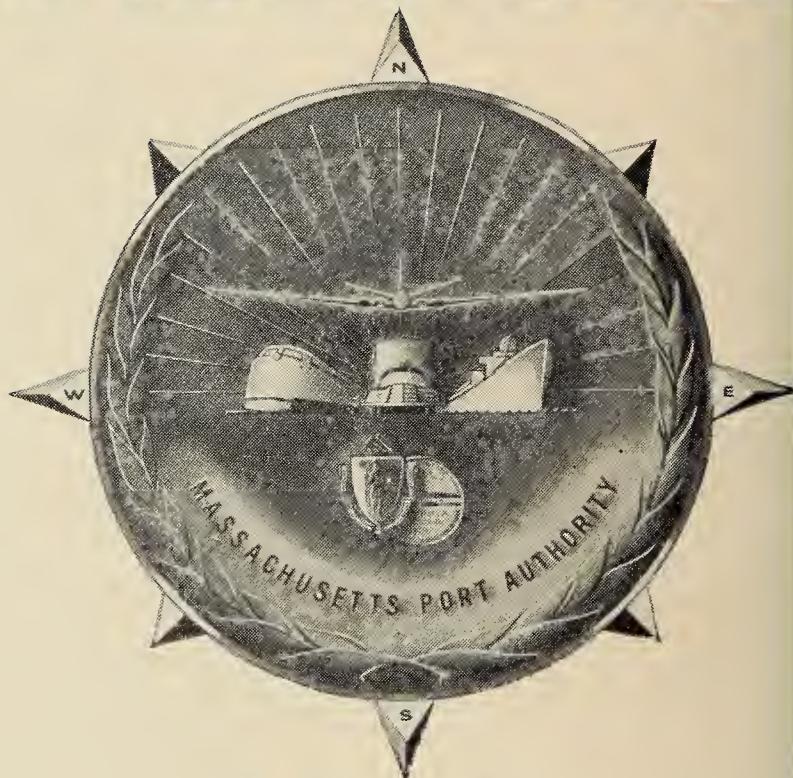
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